FARAD CONTINUATION SHEET NO.:

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

CIVIL APPLICATION NO.893 OF 2007
IN
SECOND APPEAL NO.349 OF 1990

Office Notes, Office Memoranda of coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr E.A.Sasi, for the applicants.
Mr K.N.Kore, for the respondents.

CORAM : D.B.BHOSALE,J.
DATED : 14th AUGUST, 2007

P.C.:

. Heard the learned counsel for the parties.

Applicant no.1A with her children 1B and 1C have filed this application for bringing them on record after the death of her husband Rangarao, the sole appellant in the second appeal. It is true that there is a long delay of 14 years. The appeal was directed against the judgment of the appellate court which had set aside the decree of partition. It appears from the ages mentioned in the title of the application that applicant nos 1B and 1C were minors when the

proceedings were initiated so also when the second appeal was filed in this court. Even applicant no.1A appears to be an illiterate widow. To my specific query made to the learned counsel for the respondent, who vehemently opposed this application, as to whether applicant nos.1B and 1C since have attained the majority have independent right to file a suit for partition. His answer was in the affirmative. Keeping that in view and to avoid multiplicity of the proceedings so also considering the overall facts and circumstances of the case, in my opinion, no prejudice whatsoever would be caused to the respondents. In view of the peculiar facts and circumstances of the case, the delay in filing of the application is condoned. The civil application is allowed in terms of prayer clause (b) subject to payment of costs of Rs.500/- to the respondent within a period of six weeks from today.The applicants to carry out amendment within one week from today. The civil application is disposed of.

(D.B.BHOSALE,J.)